

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY DOWNS,

Petitioner,

v.

STEVE WHITE AND BUNMI
AWONIYL,

Respondents.

Case No. 2:24-cv-3195-TLN-JDP (P)

ORDER

Petitioner, an inmate in the Sacramento County Jail, brings this action under section 2254. On April 17, 2025, I dismissed the initial petition with leave to amend after finding that it did not raise a cognizable federal habeas claim. ECF No. 13. To date, despite receiving the benefit of two extensions, ECF Nos. 15 & 20, petitioner has failed to file an amended petition. He is directed to do so within thirty days. If petitioner fails to submit an amended petition within this time, I will recommend that this action be dismissed for failure to prosecute.

Petitioner has also filed three pending motions, all of which will be denied.

I. Motion for Court Order

The motion is difficult to read. Petitioner appears to be requesting an “endorsed copy of this action.” ECF No. 17 at 1. Copies may be sought from the Clerk’s Office by written request accompanied by payment of fifty cents per page. In some circumstances, I have directed that

1 copies be provided as a courtesy to a pro per litigant, but petitioner's initial petition is over one
2 hundred pages in length. This motion is denied.

3 II. Motion for Sealed Transcripts and Evidentiary Hearing

4 Petitioner's second motion is convoluted and, like its predecessor, difficult to follow.
5 Ultimately, petitioner has not shown that any sort of discovery or evidentiary hearing is
6 warranted, and I am not able to identify any cognizable federal habeas claim. Indeed, there is no
7 operative petition, because petitioner has, thus far, declined to file one. Additionally, petitioner
8 styles part of this motion as "objections," but I have not yet submitted any findings and
9 recommendations to which he may object. This motion is also denied.

10 III. Request for Appointment of Counsel

11 Plaintiff's final motion requests appointment of counsel, specifically a federal defender.
12 ECF No. 23. There is no right to counsel in habeas proceedings. *See Pavulak v. Blanckensee*, 14
13 F.4th 895, 897 (9th Cir. 2021). And petitioner has not shown that special circumstances warrant
14 appointment. At this juncture, petitioner has not even shown that there is a colorable claim that
15 should move past screening. He may renew this motion later, if and when one or more of his
16 claims advance.

17 Accordingly, it is ORDERED that:

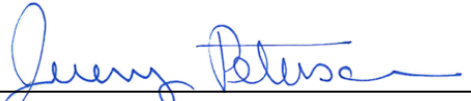
18 1. Petitioner must file an amended habeas petition within thirty days of the date of this
19 order's entry. If he fails to do so, I will recommend that this action be dismissed for failure to
20 prosecute.

21 2. The Clerk of Court shall send petitioner a habeas petition form with this order. If he
22 files an amended petition, he must use this form.

23 3. Petitioner's motions, ECF Nos. 17, 21, & 23, are DENIED for the reasons stated
24 above.

25 IT IS SO ORDERED.

26 Dated: November 7, 2025

27 
28 JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE